

# Examining the Appointment Status of Political Ambassadors vis-à-vis Career Ambassadors

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**Abstract:** The main purpose of this paper is to apply the theories, concepts and processes of Public Personnel Administration in understanding the existence of the “non-career” ambassadors in the Foreign Service, to distinguish the “career” and “non-career” ambassadors in relation to their manner and status of appointment, position classification and tenure of service and to explain the implications of extending the term of the “non-career” ambassadors.

**Keywords:** Career Ambassadors, Non-career Ambassadors, Political Ambassadors, Appointment Status.

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## I. INTRODUCTION

Just before the new President assumed into office, unrest in the Department of Foreign Affairs (DFA) has become apparent inside and outside the agency. Speculations and questions began to unfold when numerous “non-career” or the so-called “political” ambassadors appointed by the President (Gloria Macapagal-Arroyo at that time) in foreign posts are still holding on until September 30, 2010 when they should have returned and vacated their posts by June 30.

There is nothing illegal in appointing non-career ambassadors. What has become speculative and questionable is when such political appointments were to expire. The issue at hand here is the premise that “non-career” ambassadors are clearly and expressly deemed as co-terminus with the appointing authority – the President. And now that the new President (Benigno Simeon Aquino III) assumed in to office, we can see deviations from the provisions in the Foreign Service Act or RA 7157 and other pertinent laws.

Thus, in this paper, we will try to explore the concepts and methods of appointment processes and status, position classification and tenure of service of these non-career ambassadors to help us better understand why these appointments caused unrest in the DFA.

## II. METHODOLOGY

### *Review of related literature*

The researcher reviewed works about the Foreign Service like “FSO IV: Starting A Career in the Philippine Foreign Service” by Marciano B. de Borja and “In Search of Merit: The Spoils System in the Department of Foreign Affairs” by Amb. Hermigildo C. Cruz (Ret.). Likewise, the researcher took information from the news to be able to put in chronology the series of events and to heed the opinions of relevant personalities relevant to the issue of allowing these “non-career” ambassadors to hold-over until September 30, 2010. Furthermore, the researcher was also able to obtain data from the DFA specifically the copy of the letters to the President by the Union of Foreign Service Officers of the Philippines (UNIFORS) regarding the “invalid extension of non-career service ambassadors appointed by the former president” dated July 7, 2010 and their follow-up letter dated July 14, 2010. And equally important, the researcher also reviewed pertinent laws and issuances related to the subject matter of this paper.

### *Interview of key informants: Asec. Victoria S. Bataclan and Asec. Belen Anota*

The researcher interviewed Assistant Victoria S. Bataclan, President of the UNIFORS, to discuss further their stand on the extension of terms of the political ambassadors. But due to lack of time and the hectic schedule of Asec. Bataclan, the

researcher was politely referred to Asec. Belen Anota, a member of the UNIFORS and was able to deeply discuss the ongoing issue of the extension of term of the political ambassadors.

### III. DISCUSSION

#### Analysis of the Problem

##### *Rationale for the existence of Non-career Ambassadors*

According to Cruz (2007), the existence of political ambassadors was derived from the royal prerogative of the monarchs, presently the basis for the presidential prerogative to appoint ambassadors and envoys in the present day. Similarly, as cited in Cruz (2007), in Executive Order 18 series of 1946, Senior Officials of the DFA is originally classified as non-career status and this practice has still its place in the practice of the DFA. And finally, according to Asec. Anota, political ambassadors are historically and an accepted practice all over the world.

##### *Differentiation of Career and Non-career Ambassadors*

###### Manner of Appointment

Career Ambassadors are Foreign Service Officers (FSO) who before appointed as ambassadors, entered the Foreign Service through passing the Foreign Service Examination (FSO Exam) given by the Board of Foreign Service Examiners (BFSE), rose from the ranks of FSOs, appointed by the President and confirmed by the Commission on Appointments (CA) to head diplomatic posts or missions.

Non-career Ambassadors, on the other hand, have the exact opposite requirements except for they being also appointed by the President and as confirmed by the CA to head diplomatic posts or missions. The so-called "political ambassadors" belong to this kind.

###### Position Classification

According to Cruz (2007), both career and non-career ambassadors have the same position as Chief of Mission, either Class I or II and have the same designation as Ambassador Extraordinary and Plenipotentiary or Consul General, as applicable, in foreign missions. However, in the Home Office, only career ambassadors are entitled to be designated as Assistant Secretary as stipulated in RA 7157.

###### Term or Tenure of Service

Career Ambassadors have the security of tenure while Non-career Ambassadors, as cited in the UNIFORS letter dated July 7, 2010, according to the case of *Astraquillo vs. Manglapus* categorically held by Supreme Court under Presidential Decree No. 807 or the Civil Service Decree, "appointments of non-career ambassadors' lapses upon the expiration of term of the appointing authority."

##### *Chronology of Events*

Since Former President Gloria Macapagal Arroyo is expected to vacate the presidency by June 30, 2010, her political appointees including the political ambassadors automatically ended their term as well. However, many of these political ambassadors wished to have their term extended beyond the term of their appointing authority. This caused the DFA's UNIFORS to retaliate against the extension of term of the said political ambassadors. According to the news, DFA Secretary Alberto Romulo issued the Assignment Order No. 207-10 dated April 28, 2010 to recall in the DFA's Home Office the political ambassadors in the foreign posts. There are about twenty-five political ambassadors covered by the recall who are as follows: (1) Acmad Omar (Muscat, Oman); (2) Antonio Villamor (Saudi Arabia); (3) Generoso Senga (Tehran, Iran); (4) Francisco Ortigas III (Mexico); (5) Jose Brillantes (Ottawa, Canada); (6) Ma. Consuelo Puyat Reyes (Santiago, Chile); (7) Ernesto de Leon, (Canberra, Australia); (8) Orlando Mercado (ASEAN Philippine Permanent Representative in Jakarta, Indonesia); (9) Vidal Querol (Jakarta, Indonesia); (10) Ramoncito Marino (Koror, Palau); (11) Francisco Benedicto, (Beijing, China); (12) Noe Wong (Phnom Penh, Cambodia); (13) Shirley Ho Vicario (Port Moresby, Papua New Guinea); (14) Domingo Siazon Jr. (Tokyo, Japan); (15) Bienvenido Tejano (Wellington, New Zealand); (16) Rigoberto Tiglao (Athens, Greece); (17) Delia Albert (Berlin, Germany); (18) Alejandro del Rosario (Warsaw, Poland); (19) Manuel Antonio Teehankee (WTO Philippine Representative in Geneva, Switzerland); (20) Antonio Manuel Lagdameo (London); (21) Regina Irene Sarmiento (Prague, Czech Republic); (22) Mercedes Tuazon (Vatican); (23)

Alexander Yano (Brunei); (24) Cardozo Luna, The Hague, Netherlands; and (25) Ana Ines de Sequera Ugarte (Madrid, Spain). But as of July, there are already eight political ambassadors who have returned.

However, some of these political ambassadors found an ally through the legal opinion expressed by former Department of Justice Sec. Alberto Agra dated April 23, 2010 effective June 30, 2010, as reported in the news in early June 2010, that “the government officer charged with the payment of said salaries and other emoluments can rightfully rely upon the apparent title of the subject officer and treat him as if an officer de jure, without inquiring whether another one has a better right.” Allegedly, this has become the basis of those political ambassadors who wished to extend their term to act in hold over capacity despite of being co-terminus. This caused further retaliation from the UNIFORS, asking DOJ Sec. Agra to withdraw such opinion.

By June 27, 2010, former Executive Secretary Leandro Mendoza ordered DFA Sec. Romulo to defer the recall of the political ambassadors. According to DFA Spokesperson Eduardo Malaya, the said memorandum was transmitted by the DFA to all concerned foreign posts.

On July 5, 2010, DFA Sec. Romulo and the incumbent Executive Secretary Pacquito Ochoa, Jr. recommended that the political ambassadors be given a three-month extension. According to DFA Sec. Romulo, the said recommendation was approved by President Aquino in a “written note”. This in effect allowed the political ambassadors to serve until noon of September 30, 2010 instead of June 30, 2010.

### ***What is wrong with the Extension?***

#### Co-terminus

The strongest argument is that clearly, political ambassadors are “co-terminus”. By being co-terminus, political ambassadors’ term automatically expires with their appointing authority. And as Former President Arroyo vacates the presidency on the noon of June 30, 2010, the same applies for the political ambassadors.

To reiterate the provision in Presidential Decree No. 307, “the appointment of non-career ambassadors lapses upon the expiration of term of the appointing authority.”

#### No vacuum of power

Contrary to the justification of DFA Sec. Romulo and Executive Sec. Ochoa that the grant of extension is based on the premise that the three- month extension period will give ample time for the outgoing political ambassadors to finish protocolar and administrative activities to be left and that there will be vacuum of power in the foreign posts. However, according to the UNIFORS’s Letter to President Aquino dated July 7, 2010, “According to Section. 26 and 293 of DFA Regulations, the next ranking officer, as Charge d’ Affaires is authorized to take over the affairs of our embassies and consular offices upon the expiration of the term of non-career ambassadors on 30 June 2010.” Thus, whatever is left over upon the departure of the political ambassadors shall be taken over by the Charge d’ Affaires and will not be left unattended.

#### Memorandum Circular No. 1

As cited in the letter of the UNIFORS, since Memorandum Circular No. 1 “declared that all presidential appointees were deemed separated from the service as of noon of 30 June 2010”, the extension of term by the political ambassadors contradicts that first official issuance of the President.

### ***Implications of the Extension***

#### Violation of Law

In view of the co-terminus nature of the appointments of political ambassador, it is clear that the extension of their term violates the rule of co-terminus appointments.

#### Demoralization

Entering the career Foreign Service is not easy. One has to go through a lot of hard work, merit and fitness. Thus, it is indeed a privilege for political ambassadors to be appointed as the highest ranking official to foreign posts. However, it will be an abuse of privilege if the same appointment has been extended, especially that it is clear that their term expires alongside with the exit of the appointing authority. Thus, it is unfair for the career ambassadors who have earned their Foreign Service Positions to have been deprived and disrupted of possible Chief of Mission position to foreign posts.

#### Disrupted Rotation

According to Section 38 of RA 7157, "The Secretary (of the DFA) shall establish a system of assignment and transfer to ensure that all qualified career service officers...shall have alternately serve the diplomatic and consular posts in different regions of the world and in the Home Office." Although this applies directly to career service officers, let us be reminded that political ambassadors occupy the same position as the career ambassadors, either Chief of Mission or Consul General. Thus, the burden is bore by career ambassadors especially to those career officers on cue for promotion or rotation.

#### Negative Impact on the Conduct of Foreign Policy

As reported in the Philippine Daily Inquirer by Cynthia Balana who interviewed a diplomat who requested anonymity, the diplomat said it is an international practice that ambassadors are representative of the appointing authority and in the exit of the appointing authority (Former Pres. Arroyo) and so as its appointed representatives. Allowing the political ambassadors to holdover until replaced by the new appointing authority is against the said international practice. As stipulated in the Article 19 of the Vienna Convention on Diplomatic Relations, the next high ranking official in the post to take over in the absence of the head of post. And as a supposed consequence of the expiration of term of the political ambassadors, the Charge d' Affaires should take over.

#### *Status of the Issue*

Last July 7, 2010, UNIFORS wrote to the President regarding their blatant expression of opposition in the extension of term of the political ambassadors and similarly requesting for the legal basis of the said extension. Last July 14, 2010, UNIFORS sent a follow up letter regarding the matter. But as of September 15, 2010, no response came from the President.

According to Asec. Anota, rumors in the DFA speculates that the term of the said political ambassadors will be extended a new. However, this has no basis yet. But in the case that this rumors were true, as the stand of the UNIFORS, according to Asec. Bataclan, they are left with no choice but to bring the matter to the court.

### IV. CONCLUSION AND RECOMMENDATION

The researcher concludes this paper in three points:

#### ***The appointment of the political ambassadors is legal.***

The existence of political ambassadors has been an accepted worldwide practice and does not violate any law. They are representatives of the appointing authority and serve at his/her pleasure. Similarly, RA 7157 apporitions a room for the appointment of political ambassadors. Thus, our Foreign Service is a common space for both career and non-career or the fur ambassadors.

#### ***The extension of the term of political ambassadors is a violation of the law.***

Although the appointment of political ambassadors is legal, their term which is co-terminus that makes their extension in foreign service improper and a clear violation of the law. The operational term is co-terminus, and by this virtue, political ambassadors serve at the pleasure of their appointing authority. And in the expiration of term of their appointing authority, and so as their term because no personality gives them the capacity to serve unless re-appointed by the new appointing authority.

#### ***There is no urgent need to amend the Foreign Service Act (RA 7157) on the provision for career and non-career ambassadors but rather, to strictly observe what the law states.***

Since appointment of political ambassadors is an accepted worldwide practice and RA 7157 stipulates that most of the career service officers should head the diplomatic missions, political ambassadors only need to observe the law, especially those provisions that concern them.

#### ***Recommendation***

The researcher recommends that this study be further discussed. Since the primary focus of this paper biases that stand of the UNIFORS for the reason of explaining and digging on the impropriety of the extension of term of the political

ambassadors. It will be noteworthy to also heed deeply the side of the political ambassadors that were recalled and extended their term.

Furthermore, since the September 30, 2010 deadline has commenced, it will be relevant to know what happened in the aftermath of the said deadline to find out if there is a truth in the rumors of further extension and to know what actions that will be taken by our three main subjects: the DFA, the UNIFORS and the political ambassadors.

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